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REPRESENTATION IN STATE LEGISLATURES.

Not least among the advantages of the American federal system is its elasticity. It is this which has made possible the nation's varied development. Of uniformity our political institutions show little trace; the material was little adapted to anything like French symmetry in government. Federalism has allowed each community to develop according to its bent. Ultimately there is some approach to likeness of type, but meantime institutions adapt themselves to local conditions.

A still greater advantage has been the freedom which federalism has made possible for the trying of experiments. The effects of changes which the constitution would have prevented or which it would have seemed perilous to attempt upon a national scale have been tested for the country at large by individual states. Thus New York and Massachusetts worked out the main features of our national banking system; thus to-day the states are planning their several campaigns against the trusts.

It is the purpose of this series of papers to study the various forms which representation has assumed in the legislatures of the several states, to trace out any lines of tendency which may come to light, and, finally, to seek to discover what influence these varieties and these tendencies may have upon our national government and upon our national life and character as well. That these bearings must be both direct and important the constitution has itself ordained. Thus the basis of representation in the state becomes the basis of national representation; or, in other words, by determining who are entitled to vote for a member of the more numerous branch of the local legislature the state decides who within its borders shall vote for members of congress and for presidential electors. It is no matter of merely local or academic interest that women may vote in Utah, that Italian aliens may vote in Colorado, or that the majority of the negroes may not vote in Louisiana. Again,

it is by their choice of United States senators that state legislatures are brought into close contact with national politics. A slight change in the law or custom of representation in a single state might reverse the balance of parties and cause a profound change in national policies and even in international relations. Again it rests with the individual state legislature to determine how presidential electors shall be chosen. Unrestrained by the federal constitution and with no mandate from the voters, the Legislature of New York, for example, next November may itself choose thirty-six electors or decree that they shall be chosen by districts, or that they shall be appointed by the governor.¹ Not mere party advantage, therefore, but popular control over our national government as well depends in no slight degree upon the form and spirit of representation within the several states.

The proposed study involves in the first place a comparison of constitutions. It is not hard to get at the legal framework of the legislature; but this gives only the skeleton. A political institution is a thing of life; if the workings of representation are to be grasped, it must be discovered what manner of men make up our legislatures; from what ranks they come; how they have been trained; what has made them available candidates; what classes have remained unrepresented, and why?

Upon such questions as these the state constitutions throw no more light than does our federal constitution upon the real spirit and method of a presidential election. Of course conclusive knowledge upon many matters of this kind could be gained only from personal contact with legislators throughout the country. Some interesting suggestions, however, may be obtained from a study of the various legislative manuals.

Such material is of the most heterogeneous character. Some of the states publish no manual, or issue one only at

¹Legal possibilities are, of course, under present conditions not political possibilities. The choice of electors is at present regulated by Art. VII, Sec. 161 of the N. Y. Election Law, but this can be changed by ordinary legislation.

irregular intervals. In others merely the constitution, rules and other indispensable information are printed. Often the printing of biographical sketches of the legislators is left to private parties, who issue either a cheap pamphlet or a gaudy illustrated "souvenir," which the legislator's pride will seduce him into buying at an exorbitant price. Even in the elaborate manuals issued by state authority there are the widest differences as to the quality of the work; in most of them a most unfortunate lack of editorial skill and courage is manifest.¹ Yet strong reasons may be adduced for putting the preparation of this material into the hands of a trained editor under the authority of the state. When the legislature meets for but a few weeks in the course of the year, and when the notion of rotation in office has made a second term highly improbable, it is of no small moment that the members get into working order at the earliest possible moment. At their first assembling the state should provide them with a terse record of each member, so that every man may have some measure of his colleagues. This is not a matter to be left to some enterprising fellow in the press gallery to conduct as his private speculation. From him the questions come as an impertinence, and are neglected or lightly answered according to the individual's whim. The response to the duly authorized state editor, on the other hand, would be made as one of the duties of the office. The state editor, too, should be in position to make a dignified and worthy presentation of these details, suppressing the trivial and irrelevant and following up the careless or dilatory member until all needed data are secured.

¹Of course the data are furnished by the individual members, but when in a manual bearing the seal of the commonwealth space is taken to inform the world that "although Representative A. held a county certificate for several years, he never taught school," and that Representative B. "was afflicted with a malignant cancer in the face and nose and under treatment of Dr. C., of D., survived one of the most painful but most remarkably successful surgical operations," the question may be raised, whom the publication of such details is to enlighten? Often any stuff, which the members may be unsophisticated or facetious enough to hand in, is shaken together and put forth as a legislative manual, with a biographical section as edifying as that of the Congressional Directory.

Not only should these sketches be put upon a more worthy plane as a matter of present interest and concern to the newly assembled legislators, but also as a matter of record. Nor, it is to be hoped, will this material be of interest alone to the dry-as-dust historian of the future. It is worth while at the present to be able to note how from year to year the personnel of a given legislature is changing. Are we coming to rely on younger men? Are we placing less value than heretofore on legislative experience? Are second terms becoming rare? Is the balance among legislators changing so that only a few interests are coming to have effective representation? Are classes or races, prominent in the census enumeration, without spokesmen in the legislature? Is it Quixotic to look forward to a time when the consideration of such questions as these may come to exercise some appreciable influence upon the selection of candidates—when fitness for service, and not simply for election, shall have some weight in determining “availability?”

The framing of constitutions proceeds at a different pace in the several states. Within the same group may be found the oldest and the newest—the unrevised constitution of Massachusetts, which antedates the federal constitution, and that of Delaware, under which but one legislature has met. Again, while the whole country presents too broad a field for minute analysis, the piecemeal revision of constitutions through individual amendments is constantly going on, so that a strictly logical grouping of the states for comparative study becomes impossible. However, for practical purposes a rough geographical grouping will serve. If formal provisions in the constitutions differ, these differences in many instances are offset by the growing custom of the constitution which similar ethnic, industrial, and social conditions tend to evolve. Thus the suffrage clauses in recent constitutions at the south are merely giving formal expression to what has long been an acknowledged political fact.

REPRESENTATION IN THE LEGISLATURES OF THE NORTH ATLANTIC STATES.¹

I.

Who are represented, or rather, who may vote in the choice of legislators?

It is not surprising that in this group, including nine of the original states, this question should receive a conservative answer. The suffrage is confined to male citizens, at least twenty-one years of age.² New York and Pennsylvania, which have had sad experience of naturalization scandals on the eve of elections, require that citizenship shall have been completed several weeks before the would-be voter may cast a ballot. In somewhat varying phrase there are excluded from the suffrage paupers and persons under guardianship. Needy soldiers and sailors of the Civil War are frequently exempted from this disqualification. In disfranchising criminals recent constitutions are very explicit in regard to crimes against the ballot.

Formal property qualifications for the legislative suffrage are no longer to be found. Rhode Island swept away the last of these a dozen years ago. Registration is required in seven of the states, and in Delaware the voter must have paid a registration fee of one dollar. Even the payment of a poll tax as a pre-requisite to voting has fallen into disfavor.³ In New Hampshire a man who has been excused at his own request from the payment of a tax may not vote unless he first make a tender of the amount of the tax, a provision which certainly does not discourage corruption at the polls.

Before a man may vote at an election a residence of at

¹ In the ANNALS of September, 1895, the writer discussed some features of representation in New England legislatures.

² In all the states except four (New Hampshire, Massachusetts, New York and Delaware), it is specifically required that the would-be voter shall be a citizen of the United States.

³ In Pennsylvania, however, the voter must have paid a state or county tax within two years. (Const., Art. 8, Sec. 1.) In Massachusetts, too, the abolition of the poll tax qualification is in name rather than in fact, for before a man may register he must prove that he has been assessed to the payment of a poll tax.

least a month within the district is required. A longer period of probation within the state is insisted upon by all the constitutions. A citizen who takes up his residence in Maine may vote at the end of three months, whereas if he should remove to Rhode Island he would not be qualified to vote for a representative until he had breathed the air of Narragansett Bay for two years.

Of the eight states whose constitutions already require an educational qualification for the suffrage, four lie within this group. In the middle of the century, when vexed with nativist fears, Connecticut and Massachusetts set the precedent, by requiring that the candidate for registration should prove his ability to read the English language and to write his own name. During the past decade Maine and Delaware have adopted similar requirements, not from any race antagonism, but with a view to elevating the voters' plane of intelligence.¹

II.

What is the basis of representation ?

"*Vox populi* may be *Vox Dei*," says Sir Henry Maine, "but very little attention shows that there never has been any agreement as to what *Vox* means or as to what *Populus* means. Is the voice of the people the voice which speaks through *scrutin d'arrondissement*, or through *scrutin de liste*, by *plébiscite*, or by tumultuary assembly ?"

In these primitive American commonwealths how was *Vox populi* to translate itself into *Vox Dei* ? On one point our forefathers were agreed: it must be through representation. Was not that the very thing for which they were fighting ? Moreover, that representation "ought so far as possible to be *equal*,"—such is the oft-repeated dictum of the

¹ Conn., Const. Amend. XI., 1855. Amend. XXIX., 1899, specifically requires that the reading be in English. Mass., Const. Amend. XX., 1857. Such a provision in the proposed Rhode Island constitution is said to have contributed largely to its rejection by the people in 1899, the foreign-born having been persuaded that it was directed against them.

constitutions. But in what does this equality consist? Does it require that the voice of the minority shall be heard? This was answered unhesitatingly in the negative. Does equality call for the same number of representatives from each district, each town? Or, regardless of the boundaries of political units, does equality demand one representative for a certain quota of voters? Or has equality regard to the representation of ideas, or of interests? On these questions opinion was divided, and has so remained.

In 1776 it had by no means become an accepted axiom of political science that a representative legislature should be a bi-cameral body. Of the states which made trial of a single chamber, Georgia was the first to renounce it in 1789; Pennsylvania divided her legislature in the following year, while Vermont retained the single chamber for half a century.

It was the organization of a New England legislature that suggested the compromise in the convention of 1787 whereby the interests of the large and small states were reconciled by the provision for a bi-cameral congress, each house resting on a different basis. In like manner in the legislatures of to-day it is the rule that one chamber—now the house, now the senate—represents political units while members in the other are apportioned according to population. To this rule Massachusetts presents the striking exception; in each house the same basis of representation has been chosen, and carried out with the least practicable interference from town or county lines. It is not towns nor counties, not “inhabitants” nor population, but legal voters that here constitute the basis of legislative representation. After each state census the commonwealth is divided into senatorial and representative districts, each of which is to contain as nearly as possible the proper quota of legal voters.¹ Towns or wards of cities may not be divided, but may be combined, in making up a district, which must

¹ Average ratio for the state, established by Chapter 509, Acts of 1896, for senatorial districts, 14,020; for house districts, 2,336.

always consist of compact and contiguous territory. The representation which a county receives depends entirely upon its voting strength; there is no maximum or minimum fixed by law. Thus Suffolk county elects nine senators, while Barnstable, Dukes and Nantucket counties together constitute the "Cape District," and send but one senator to Boston. Maine, New Hampshire, Vermont and Pennsylvania, as well as Massachusetts, provide for periodic reapportionments of a fixed number of senators among counties or districts conforming to county lines. Vermont insists that each county must have at least one senator. The New Hampshire constitution, while declaring that the senatorial districts shall be as nearly equal as possible, directs the apportioners to "govern themselves in the proportion of the direct taxes paid by the said districts." The New York constitution of 1894 defines the bounds of senatorial districts, but provides for the decennial readjustment of district lines after each state census, so that each may contain "as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable." Delaware's new constitution goes further; not only does it lay down with the greatest particularity the bounds of both senatorial and representative districts, but with one trifling exception it makes these district lines unalterable, except by formal constitutional amendment. Connecticut admits the principle of proportionality to population, but with so large a minimum guaranteed to each county as to make it practically inoperative. Since each of the eight counties must have at least two out of the twenty-four senators, it results that New Haven county, with nine times the population of Tolland, can elect but twice as many members to the upper house.

Three of the states under consideration have followed the analogy of the federal senate in according equal power to each political unit. In New Jersey it is the county which serves as the basis, each being entitled to one senator. As a result Essex (256,098) and Hudson (275,126) are balanced

by Cape May (11,268) and Ocean (15,974). But in senatorial representation it is Rhode Island that does the greatest violence to the spirit of equality, while clinging to its letter. Each town, whatever its size, elects one senator. As a result in the Rhode Island senate West Greenwich, with a population of less than 800, stands the proud peer of Providence, with a population of about 160,000.

The idea finds wider acceptance that in the lower houses each local unit should have at least one representative. Even in Massachusetts, where representation is periodically reapportioned among districts according to voting population, custom with the force of law decrees that there shall be rotation within the district so that each town shall have its turn in sending one of its residents to the legislature every few years. Three of the New England states make the town the unit, adopting devices which secure a considerable degree of proportionality to population.¹ Much the same system is to be found in five of the other states, the county here replacing the town as the unit.² A single member is assigned to each small unit, and additional members are accorded at a rate somewhat slower than the increase of population. Of all the states in the Union New Hampshire is most generous in dispensing seats in the legislature. One member is elected from each town or ward of a city having 600 inhabitants; a town of 1,800 elects two, while for additional members the mean increasing number is 1,200. Liberality to the small community goes yet further: a town or ward having less than 600 inhabitants is authorized "to send to the general court a representative such proportionate part of the time as the number of its inhabitants shall bear to 600." Under this provision in the last legislature there appeared as a full-fledged representative from the town of Windsor an "Independent," elected by the unanimous vote

¹ Maine, New Hampshire and Rhode Island.

² New York, Pennsylvania, New Jersey, Maryland and Delaware; in the last state the "hundred" is in most instances the unit.

of his constituents, *four* "Independents," while in Hart's Location a contest between two Republicans was won by a vote of seven to two, one of the candidates having served as moderator of the meeting and the other as one of the three "supervisors of the check list."¹ This system gives to New Hampshire, with a population smaller by a fourth than that of Boston, a house of representatives larger by over a hundred than that of any other state, larger by four than the lower house of congress.

Vermont alone of the states of this group insists upon absolute equality of representation in the house for every local unit. To each of her 246 towns is given the choice of one member. In matters of constitutional law Connecticut delights in the antique. Retaining her old charter for forty years after the separation from England, it was not until 1818 that she framed a constitution for herself. So far as representation was concerned its theory was, "the thing that hath been, it is that which shall be:" the number of representatives from each town was forever to remain the same as at that date. The meagre records of the eighteenth century seem to indicate that in general each town, when it entered the Connecticut federation or was set off as a new corporation, received the full privilege of choosing two representatives by the terms of the charter. In the slight modifications which the charter underwent in 1776 no essential change was made in this part of the representative system. In the dozen years preceding 1790, however, a number of towns were admitted with the right of sending but one member, a limitation due apparently to the smallness of the representatives' meeting-place or to a desire to economize in the expense of law-making rather than to any intention to establish a precedent.² The result was that, when the existing basis of representation was petrified by

¹ At Windsor the moderator served also as one of the three "supervisors of the check list."

² "Town Rule in Connecticut," Clarence Deming, Pol. Sci. Quar., September, 1889

the Constitution of 1818, although the majority of towns were sending two members, a considerable number, many of which have since become thriving communities, were allowed but one. This constitution provided that any new town that might be incorporated should receive but one, while the towns from which it was made were not to have their representation diminished without their own consent. An amendment added twenty-five years ago allows two members to any town of 5,000 and over, even if it does not date from the most ancient times; but it again guarantees to all other towns the representation which they then had. Two years later it was provided that thereafter a new town should be deemed to be merely an election district of the town from which the greater part of its territory is taken, until each should contain at least 2,500 inhabitants.

III.

How are the Legislatures elected?

That the personnel of legislatures and the character of legislation are conditioned to a considerable degree by the frequency of elections and of sessions, by the length of sessions, by the methods of election and of renewal, and by the amount of compensation, is beyond dispute. But the interplay of diverse influences is here so intricate that the teaching of experience has not as yet brought the states to any substantial agreement as to what is desirable in these matters.

Of all the states in the Union Massachusetts and Rhode Island alone still retain annual elections of both houses of the legislatures. To them General Thompson's appeal: "O my country! never give up your annual elections; young men, never give up your jewel!" seems not yet to have lost its force.¹ To possible gains from biennial elections in the way of economy of expense and of energy, and to greater experience on the part of their legislators they prefer the

¹ In the Massachusetts convention for the ratification of the Constitution, 1788. Elliot's Debates, vol. ii, p. 16.

degree of responsibility and control which is secured by the voters' yearly choice of their law-makers.¹ In all the other New England states both elections and sessions are biennial. New York and New Jersey retain annual sessions. All the states in the group under discussion outside of New England elect the senate for a longer term than that of the lower house and, with the exception of New York, the renewal of the senate is gradual.²

In only two of these states is the session limited. Maryland allows her legislature to continue its deliberations as "long as in its judgment the public interest may require, for a period not longer than ninety days." Delaware fixes no absolute term, but discourages dilatory action by cutting off all compensation at the end of sixty days.

Since constitutional provisions or custom with the force of law requires that the legislators be residents of their constituencies, it becomes important to inquire how great is the range of choice thus prescribed. There is a strong tendency toward narrowing the constituency; if the district be small, the representative, it is thought, will know the needs of his district thoroughly. "What will the neighbors say?" is a query which will hold him in constant restraint. But the inevitable corollary, of course, is, that the range of choice is narrowed in like proportion. In fourteen of the legislative bodies under discussion, including every senate except that of Vermont, the legislators come from districts which elect but a single member. Even where some variation is possible, the tendency to minute sub-division is marked, and low limits are set on the number to be chosen from a single district.³

¹ In both of these states agitation for biennial elections has become strong enough to secure the submission to the people of constitutional amendments providing for their introduction. In both states the proposition was defeated; in Massachusetts in 1896; in Rhode Island in 1899.

² In New Jersey one-third of the senators are elected each year; in Pennsylvania, Maryland and Delaware, one-half.

³ Thus, in Massachusetts the 240 members are elected from 164 districts, 94 of which choose but one; 64 choose two, while only six elect three, the maximum allowed by law. In Pennsylvania the 200 members come from 117 districts, of which nearly half choose but one, while none may choose more than four. Phila-

While in most instances the division of large populations is insisted upon, the constitution of Rhode Island expressly prohibits the division of any town or city for the election of representatives, with the result that Providence elects twelve the legal maximum, one-sixth of the whole house.

In states where the sentiment in favor of single-member districts is so strong, it goes without saying that neither by law nor by custom is any attempt made to secure proportional representation. Elections are by blanket ballot, and "solid" party delegations even in the largest districts, are the almost unvarying outcome. Providence sends twelve Republicans to the legislature; in New Jersey, Essex county elects eleven Republicans, while Hudson county elects eleven Democrats. In the rare instances where a mixed delegation results, the parties are so evenly balanced that personal popularity usually turns the scale.¹

In America the expediency of paying for legislative service is regarded as a purely academic question. "'The laborer is worthy of his hire;,' why should this not apply to the employes of the state?" is the usual reply. But with the universal acceptance of the principle of a paid legislature unanimity ends. The amount of the compensation certainly figures as one of the considerations which may induce or repel possible candidates for legislative service. How to gauge it becomes therefore a difficult problem. Of

delphia is split up into 28 districts for the choice of 37 members. The other exceptions to the one-member rule are as follows: New Hampshire—House, town or ward representation, varying from 1 to 6, according to the representative quota. Vermont—Senate, three counties elect 1; seven, 2; three, 3; one, 4. Connecticut—House, towns elect two or one according to antiquity. Rhode Island—House, towns elect from one to twelve according to population. New Jersey—House, seven counties elect 1; six, 2; five, 3; one, 4, two, 11. Maryland—House, seven counties elect 2; nine elect 3; four, 4; two, 5; while one county, and three districts of the city of Baltimore elect 6 each.

¹ In New Jersey every county's delegation was "solid;" in Pennsylvania out of sixty-two districts sending two or more representatives only two delegations were mixed; in Massachusetts two of the six three-member districts elected one member of the minority party, while out of the sixty-four two-member districts twelve elected mixed delegations,—a surprisingly large proportion.

the states in question seven fix the compensation in the constitution itself, while four leave it to be determined by ordinary legislation. Seven, again, grant a salary for the term or year, while the other four pay day wages; naturally included in this latter number are the two that limit their legislative sessions. In all these states, except New Jersey, the state pays the members' traveling expenses, usually in the form of a mileage reckoned at twenty or twenty-five cents for the distance traveled over the most usual route from the legislator's home to the capital and back again, once during each session. Massachusetts is here the most extravagant in allowing two dollars for every mile of ordinary traveling distance; this however covers only the journey to the capital, and not the return.

In some states there are other perquisites of considerable amount. Delaware fixes a limit of twenty-five dollars upon each member's allowance of stationery and supplies. Pennsylvania expects more from her legislators in the way of correspondence and research, for she doubles this allowance, and throws in an additional hundred dollars for postage. Such items may easily cover petty pickings, which in the aggregate cost the state a goodly sum.¹ It may prove that New Jersey has set a salutary example in ordaining that, aside from a fair and definite compensation, the members of her legislature shall receive "no other allowance or emolument, directly or indirectly, for any purpose whatever."

A considerable difference in the scale of payment in the several states is to be expected. The expense of living varies at the different capitals, and legislative service interferes far more seriously with the member's business in some states than in others. Of all the states in the Union those under discussion include both the most lavish and the most

¹ For example, in 1855 the members of the Massachusetts Legislature called upon the clerks to furnish them with penknives to the number of eight hundred and over, for which the commonwealth paid from \$1.50 to \$3.00 apiece.

niggardly in the payment of legislators.¹ New York may be unwisely extravagant in paying a salary which makes the office a tempting plum to many a needy farmer or starveling lawyer. On the other hand Rhode Island's skimpy dollar a day seems in strange accord with the dignity of a state; if law-makers are to be remunerated at all, they should be given pay higher than that of the lowest grade of unskilled labor. However, at Providence the legislature is usually in session during only four days of the week, and the members are allowed "eight cents per mile for traveling expenses in going to and returning from the general assembly." In a state 95 per cent of whose population live within twenty-five miles of the capital, and whose extremest verge is not more than fifty miles distant, the dollar wage, supplemented by the mileage, is not so preposterous as it would be elsewhere; yet, waiving any question of illegitimate gains, it may certainly be taken for granted that in Rhode Island men do not seek election to the legislature for the privilege of feeding at the public crib.

IV.

Who are the Representatives ?

For a partial reply to this question the most obvious data, of course, are afforded by the qualifications and disqualifications prescribed by the constitutions of the several states. New York and Rhode Island alone make the qualifications of members of the legislature the same as those of their electors. Seven of the states require that their senators shall be not less than twenty-five years of age;² Dela-

1 COMPENSATION OF LEGISLATORS.

Maine	Biennial . . .	\$ 150 00	Pennsylvania . . .	Biennial . . .	1,500 00
New Hampshire . . .	" . . .	200 00	Vermont	<i>Per diem</i> . . .	3 00
Massachusetts . . .	Annual . . .	750 00	Rhode Island . . .	" " . . .	1 00
Connecticut . . .	Biennial . . .	300 00	Delaware	" " . . .	5 00
New York	Annual . . .	1,500 00	Maryland	" " . . .	5 00
New Jersey	" . . .	500 00			

² Maine, Pennsylvania and Maryland, 25; Delaware, 27; New Hampshire, Vermont and New Jersey, 30.

ware alone demands of her representatives also a minimum age (twenty-four years) higher than that of their electors. Maine is the most exacting in requiring that the member shall have been five years a citizen of the United States; New Hampshire senators must have been resident in that state seven years before election, although two years is deemed enough for representatives. Pennsylvania and Delaware make no distinction in the residence requirement from members of the two houses.¹ In general there is required a residence within his own district double that of the electors. With the two exceptions noted above, every state insists that at the time of his election the legislator shall be an actual resident of the district in which he is chosen.² Many of the constitutions go further and declare the seat vacant if during his term of office the member remove from his constituency.³

In the disqualifications for legislative service there is little variety. Of course the disqualifications of electors apply also to the elected; thus, no man, debarred from the ballot because of conviction of felony or of infamous crime, would be eligible to membership in the legislature. The holders of civil or military office under the United States or the given state debar a candidate; even minor municipal office in some states disqualifies the would-be legislator.⁴ Delaware rules out "any person while concerned in any army or navy contract."

Generally there is required an oath or affirmation to support the constitution of the United States and of the individual state, and to perform faithfully the duties of the office. New York incorporates in this oath a most explicit denial

¹ Pennsylvania, 4; Delaware, 3.

² In the Vermont constitution this is not specifically required, but it is the necessary inference from the context.

³ This applies to members of both senate and house in Maine, Pennsylvania and Maryland, and members of the house in New Hampshire.

⁴ A park commissioner of the city of Hornellsville, N. Y., was declared ineligible to election to the legislature. *People, ex rel. Sherwood v. Board of Canvasers*, 129 N. Y., 360, 365.

of the use of any underhanded means to secure the election. In the light of recent senatorial elections, it is of interest to note that more comprehensive definitions of bribery and corruption could hardly be framed than are to be found in the constitutions of Pennsylvania and Delaware, in the clauses which make conviction of such offences vacate the seat of the guilty party.

Positive religious tests are no longer exacted, although under the constitution of Pennsylvania it might still be considered legally possible to disqualify a member who does not "acknowledge the being of a God and a future state of rewards and punishments."¹ Maryland alone has found occasion to protect her legislative bodies from the presence of "any minister or preacher of the Gospel or of any religious creed or denomination."

The qualifications thus far mentioned are essentially negative; they declare who may not retain or be eligible to legislative office. Positive enactment is less effective. Subject to these restrictions, what sorts and conditions of men do compose our legislatures? The constitutions may ordain: "the House of Representatives shall consist of persons most noted for wisdom and virtue,"² yet a slight acquaintance with legislative halls may awaken the fear that this is to be classed as prophecy rather than as effective law. The actual personnel of legislatures can be known thoroughly only by personal contact. Some light may be gained from the "Manuals" or "Registers" of the several states, yet here, as has been said, the investigator is at the mercy of the compiler, whose carelessness or lack of interest may lead to the omission of much-needed data.³

¹ Constitution, Article I, Section 4, declares that "no one who acknowledges the being . . . shall be disqualified."

² Vermont Constitution, Chapter II, Section 8.

³ In several states the compilers have attached great importance to recording under the felicitous heading "Social State," or "Condition," the exact number of members who are married, widowers, or unmarried. In others, it is the names of the members' fathers that is deemed significant, while data as to education or previous legislative experience are neglected.

PERSONNEL OF STATE LEGISLATURES.

STATE.	CHAMBER.	Number of Mem- bers.	Average Age.	PERCENTAGES BASED ON TOTAL NUMBER REPORTED.										POLITICS.		
				BIRTH-PLACE.			EDUCA- TION.		OCCUPATION.				Previous Legis- lative Expe- rience.	Republ- ican.	Demo- crat.	Minority Parties.
				Own State.	Neigh- boring States.	Other United States.	Foreign.	Colle- giate.	Acad- emic.	Farm- ers.	Law- yers.	Mercan- tile.	Manufac- turing.			
Maine	Senate	31	49.3	86.6	6.7	0.0	6.7	32.3	25.8	16.1	20.0	12.9	19.4	77.1	100.0	0.0
	House of Rep.	151	48.3	78.0	6.7	0.7	4.0	13.6	40.8	28.4	13.5	18.2	6.7	19.2	84.1	15.9
New Hampshire	Senate	24	50.5	75.0	20.9	0.0	4.1	13.7	59.1	9.1	9.1	45.4	18.2	75.0	91.7	8.3
	House of Rep.	360	48.4	73.0	17.6	2.0	5.9	*	*	35.1	4.4	18.7	19.9	15.8	69.7	30.3
Vermont	Senate	30	50.3	83.3	6.7	3.3	6.7	36.7	53.3	20.0	30.0	26.7	0.0	73.3	100.0	0.0
	House of Rep.	246	48.7	85.3	12.2	0.4	2.0	*	*	57.3	2.8	11.4	5.3	6.5	82.5	16.7
Massachusetts	Senate	40	43.9	77.5	15.0	2.5	5.0	32.5	22.5	10.0	32.5	20.0	12.5	85.0	82.5	17.5
	House of Rep.	240	44.8	69.3	20.4	1.7	8.5	18.6	26.7	11.4	16.6	27.5	19.2	40.2	70.0	28.7
Rhode Island	Senate	37	50.8	78.4	16.2	5.4	0.0	8.3	47.2	21.6	8.1	21.6	13.5	86.5	91.9	8.1
	House of Rep.	72	50.2	61.1	18.1	5.5	15.3	16.7	40.3	12.5	12.5	22.2	13.9	62.5	91.6	8.4
Connecticut	Senate	25	49.6	83.3	16.7	0.0	0.0	*	*	8.3	16.7	29.2	16.7	91.7	87.5	12.5
	House of Rep.	252	45.4	79.0	15.5	1.5	4.0	*	*	42.1	7.5	11.5	15.5	16.3	71.4	28.6
New York	Senate	50	47.1	80.8	4.3	0.0	14.9	*	*	4.0	42.0	18.0	12.0	76.0	54.0	46.0
	Assembly	150	41.1	85.3	2.7	3.3	8.7	*	*	8.4	30.3	18.3	10.6	55.3	58.0	42.0
New Jersey	Senate	21	48.3	71.3	14.3	14.3	0.0	*	*	4.7	33.3	33.3	4.7	66.7	74.0	26.0
	Gen. Assembly	60	41.2	62.7	22.0	6.8	8.5	*	*	10.0	23.3	25.0	5.0	55.0	62.3	34.8
Pennsylvania	Senate	50	47.8	85.1	2.1	8.5	4.3	30.4	43.5	10.6	38.3	21.3	6.4	48.0	66.6	33.3
	House of Rep.	200	44.8	85.9	6.5	2.0	5.5	18.6	39.4	18.2	16.2	18.2	10.9	41.0	61.6	38.3
Delaware	Senate	17	*	*	*	*	*	*	*	23.5	0.0	52.9	5.9	17.6	58.8	41.2
	House of Rep.	35	*	*	*	*	*	*	*	40.6	0.0	25.0	12.5	14.3	71.4	28.6
Maryland	Senate	26	49.1	83.3	12.5	4.2	0.0	*	*	11.5	34.6	30.8	4.5	42.3	69.2	30.8
	House of Del.	91	41.4	84.4	10.4	0.0	5.2	*	*	27.9	19.8	27.9	4.6	12.1	53.8	46.2

*No adequate data available.

That members of the upper house are as a rule older than those of the other is to be expected; the difference, however, varies; in the Massachusetts legislature the order is reversed. In the several states the average age of senators ranges from forty-three to fifty, while that of representatives is between forty-one and fifty.¹ Within the same state surprising contrasts are often to be found. Thus in Massachusetts the average age of the Democratic representatives in 1899 was just ten years less than that of the Republicans, while the Boston Democratic members averaged more than five years younger still.² Although in most of the legislatures the Democratic members are the younger, the difference is nowhere else so marked as in Massachusetts.³

Comparatively few men of foreign birth have found their way into the legislatures. The percentage is highest in the Rhode Island house, where of the seventy-two members eleven were aliens by birth. Next come the houses in New York and Massachusetts, with a percentage between eight and nine. Tell-tale names, however, indicate that men of foreign parentage are not slow in reaching legislative office. A decided majority of every legislative body are natives of the state in which they serve; indeed the strong conservatism of long-settled communities is shown in the surprisingly large number of members who represent the town of their birth. For reasons that are not far to seek, the Connecticut house heads the list with a percentage of fifty-four.⁴

In regard to education the data are very unsatisfactory, partly because of their meagreness, and partly because such

¹ Averages are of course misleading. That the average is in the forties does not imply that most of the legislators are between forty and fifty. In the New Hampshire house more members are of that age than of any other decade; on the other hand, in the Rhode Island house, which averages highest, the largest number are between fifty and sixty, only two each being over seventy or under thirty.

² Average age of all representatives, 44.8; of Republicans, 47.7; of Democrats, 37.7; of Boston Democrats, 32.5.

³ Indeed in the lower house in Maine and in Rhode Island this order is reversed. Maine, Republican average, 47.7; Democrat, 52. Rhode Island, Republican average, 50.2; Democrat, 52.6.

⁴ In the Maine house, 38 per cent; in the Vermont house, 44 per cent.

terms as "collegiate" and "academic" have no accepted meaning in the United States.¹ From Connecticut and Delaware no data are available. The senates invariably make the better display of diplomas; New Jersey stands at the head, with three-sevenths of her senators college men. Half a dozen other senates have college men for nearly one-third of their membership. In the lower houses in Massachusetts, Rhode Island, New York and Pennsylvania, there is one college man out of every six members, while in New Hampshire and Vermont the proportion is one to twenty-three or -four.

Of the various callings represented, agriculture claims more than any other, a fact which, taken in connection with a tender solicitude for the farmer's vote, goes far toward explaining not a little recent legislation. The percentage of farmers is much higher in the house than in the senate with the single exception of Rhode Island, an exception easily explained by her system of town representation in the upper house. Vermont and Maine have the highest proportion of farmers in the senate, while New York and New Jersey have the lowest, both in the senate and in the house. Among the representatives the farmer vote is heaviest in Vermont and in Connecticut;² in each instance the unusually large proportion finds its explanation in "town rule." In the New Hampshire legislature there are a hundred and twenty farmers, and it is reported that no matter pertaining to agricultural interests comes to a vote in the legislature without having been first passed upon by this large council of "Cincinnati."

The array of lawyers as contrasted with farmers is much larger in the senate than in the lower house, with Rhode

¹ No two persons would classify educational data alike. In the accompanying table "college" includes a course in law or in medicine only when it has been pursued in some institution of wide repute. "Academic" here includes every grade of education between the college and the common public school; if there is an indication that the man has attended an academy, a high school or a "business college," he is here listed under "academic."

² In Vermont, 57 per cent; in Connecticut, 42 per cent.

Island again as the exception. New York and Pennsylvania head the list with a proportion greater than one to three. In New Hampshire, on the other hand, in spite of the enormous size of the legislature, lawyers are sometimes too few in its membership to man the committees that require the services of men of legal training.¹ In some quarters the notion seems to be prevalent that lawyers constitute the most corrupting element in our legislatures. In view of this opinion it is of interest to note that in the Delaware legislature of 1899 there was not a single lawyer in either house;—and yet it has been suspected that in that legislature guile was not entirely unknown.

Next to agriculture and the law the mercantile and manufacturing industries furnish the highest number of members; builders and contractors, and insurance and real estate agents stand next on the list. Of the learned professions, medicine is represented by a considerable number.²

In the matter of previous legislative experience it is noticeable that where town representation obtains rotation in office is emphatically the rule. This is observable especially in the remarkably low record of legislative experience in the house in New Hampshire, Vermont and Connecticut. In the last state it has been shown that in recent decades there has been a marked falling off in the proportion of experienced members who are elected.³ Town and municipal politics have often been the training school of members; in Boston's delegation it is noticeable that a very large proportion, especially of the Irish-American members, have been graduated from the ward committee and the common council into the house of representatives.

If it be asked, what made these particular men available

¹ This was the case in 1897. It is said to be due in part to the fact that important court sessions come at the same time with the legislative sessions, so that a busy lawyer cannot afford to serve.

² In the New Hampshire house there were eleven physicians; in the Pennsylvania house, fifteen.

³ "Town Rule in Connecticut," *Pol. Sci. Quar.*, September, 1889, p. 426.

candidates, some further light may be afforded by the frequent recurrence of two items in the biographical sketches. The large proportion of members who have seen service in the Union armies would seem to indicate that the soldier vote is still a power to be reckoned with and conciliated in state as well as in national politics. Again, it certainly is no mere coincidence that in the Massachusetts senate every other man is a Mason, while in the house more than one-third of the members belong to the same order. Nearly the same proportions are found in the New Hampshire legislature.¹ Other secret orders have nearly as large a representation. In none of the other states are statistics upon this point given with any apparent attempt at completeness; in each case it has simply been a matter of the compiler's interest. While such figures give no evidence of class action within the legislature, they certainly do make it clear that membership in one of the more influential secret orders constitutes a strong "pull" in securing a nomination and election. To the student of history who has witnessed within a decade the recrudescence of nativism in the American Protective Association, such figures suggest the query whether in the future history, repeating itself, may not bring another anti-Masonic crusade upon the scene.

¹ MEMBERSHIP IN SECRET ORDERS.

	<i>Masons.</i>	<i>Odd Fellows.</i>	<i>Others.</i>	<i>% of Members.</i>
Massachusetts—Senate	20	0	3	57.5
House	88	22	37	61.0
New Hampshire—Senate	11	0	8	79.0
House	113	67	34	59.4

Each man is here listed under one order, and the precedence was given the Masons as being the most numerous. Thus in the New Hampshire house there were 103 Odd Fellows; only sixty-seven appear in the table as the rest had already been listed under Masons. The number of orders in which some members claim membership is surprising. Outside of the secret orders, too, many members are wholesale "joiners." One enterprising young legislator, who in 1898 contented himself with specifying seven associations with which he was connected, in the following year advertised to the world, at the state's expense, his connection with thirty-five organizations, ranging up from a high-school alumni association.

V.

To what extent does each state's system of representation make the political complexion of the legislature vary from that of the body of voters ?

State parties are practically unknown. For reasons too familiar to need enumeration here, nine voters out of every ten in a state election cast their ballots in unquestioning loyalty to a party based on tariff, currency or even more remote issues. However theorists may criticise such political action as unreasoning and disastrous to the best interests of state government, there is force in the voters' claim that the representative body should reflect their expressed will with no serious distortion from the media through which it passes. That a certain "tolerance" is inevitable no one will deny. To what extent the actual divergence is due to district voting, together with gerrymandering, is a question that cannot be answered with precision. Statistics giving the total vote for all candidates of the several parties are available from only a few of the states. A rough approximation may be reached by comparing party strength as found in the legislative bodies and as expressed in the vote for state officers chosen at the same election. Many qualifications must of course be borne in mind in instituting such a comparison: although 1898 was not the year of a presidential campaign, nevertheless the state elections of that year were by no means typical, for foreign relations gave national politics an unusual dominance; an individual candidate, whether for governor or for law-maker, may run far ahead of or behind his ticket; the smaller parties often put forward no candidates for the legislature in districts where their gubernatorial candidates poll considerable votes; an approaching election of United States senator always throws its shadow into the local campaign; fusion candidates frequently cause party lines to be hopelessly blurred, as in the last Pennsylvania

and Delaware elections. Yet, after every allowance has been made, the results of the comparison are striking.

Party Votes Compared with Party Representation.

STATE.	PARTY.	Percent- age of vote for Governor.	Percent- age in Senate.	Percent- age in House.
Maine	Republican	61.0	100.	84.1
	Democrat	32.2	0.	15.9
	Prohibition	3.1		
	Populist	3.7		
New Hampshire.	Republican	54.2	91.7	69.7
	Democrat	43.2	8.3	30.3
	Prohibition	1.6		
	People's	0.1		
	Socialist Labor	0.3		
	Socialist Democrat	0.4		
Vermont.	Republican	71.0	100	82.5
	Democrat	27.0	0	16.7
	Prohibition	2.0	. .	0.4
	Independent	0.4
Massachusetts .	Republican	60.2	82.5	70
	Democrat	33.9	17.5	28.7
	Socialist Labor	3.2	. .	0.8 ¹
	Prohibition	1.5	. .	0.4
	Democratic Social	1.2		
Rhode Island .	Republican	57.7	91.9	91.6
	Democrat	30.8	8.1	8.4
	Socialist Labor	6.7		
	Prohibition	4.7		
Connecticut . .	Republican	54.1	87.5	71.4
	Democrat	42.9	12.5	28.6
	Prohibition	0.9		
	Socialist Labor	2.0		
New York . . .	Republican	49.	54.	58.
	Democrat	47.6	46.	42.
	Prohibition	1.3		
	Socialist Labor	1.7		
	Citizens' Union	0.1		

¹ Independent.

STATE.	PARTY.	Percent- age of vote for Governor.	Percent- age in Senate.	Percent- age in House.
Pennsylvania .	Republican	49.0	74.	62.3
	Democrat	36.8	26.	34.8
	Prohibition	12.9		2.9
	People's	0.2		
	Socialist Labor	0.4		
	Liberty	0.05		
	Honest Government	0.4		
New Jersey . .	Republican	48.9	66.6	61.6
	Democrat	47.5	33.3	38.3
	Prohibition	2.0		
	Socialist Labor	1.6		
	People's	0.1		
Delaware . . .	Republican	19.0	} 58.8	71.4
	Union Republican	35.3		
	Democrat	45.7	41.2	28.6
Maryland . . .	Republican	50.1 ¹	69.2	53.8
	Democrat	47.2 ¹	30.8	46.2
	Prohibition	2.5 ¹		
	Socialist Labor	0.2 ¹		

VI.

To what extent is the representative system elastic?

The nineteenth century has witnessed few changes more significant than the rapid drift of population toward cities. The first census records but thirteen cities within the United States with more than 5,000, and none with more than 40,000 inhabitants. In 1840, 8½ per cent of the people were living in cities of 8,000 and over. The census of this year will classify nearly 40 per cent as city dwellers. Not only is city population on the gain but it is the large cities which are growing most rapidly, while in many of the older states rural population has not simply failed to keep pace, it has actually decreased. Before a score of years shall have passed it is estimated that in the United States urban and rural population will be about equal.

¹ Vote for Comptroller.

How far have the representative systems been responsive to this transformation?

In most of our states to-day the representation of large towns is subject to restraints of two kinds: first, the intentional, and, second, the accidental or hereditary. Of the intentional limitations, mention may be made first of apportionment ratios which introduce an increasing mean number of difference for successive members.¹ Some constitutions curb the power of cities directly by fixing a maximum of representation for any single political unit.² Thus in the Rhode Island House, no town may have more than one-sixth of the total number of representatives to be elected; the same provision obtains as to the separate representation of any town or county in the Pennsylvania House. The recently revised constitution of New York limits the Greater New York's membership in the senate to one-half of the body. The rapid growth of the metropolis has already

¹Of this familiar device the states now under discussion afford the following illustrations:

Maine House of Representatives.

1	representative to each town of	1,500 inhabitants.		
2	"	"	"	3,750
3	"	"	"	6,750
4	"	"	"	10,500
5	"	"	"	15,000
6	"	"	"	20,250
7	"	"	"	26,250
7 is the maximum.				

New Hampshire House of Representatives.

1 : 600, 2 : 1,800, etc., 1,200 being the mean increasing number.

Pennsylvania House of Representatives.

Ratio, population of the State divided by 200. Every county containing less than 5 Ratios receives an additional representative for a surplus greater than one-half a Ratio. To counties containing 5 + Ratios is given one representative for each full Ratio.

Much the same provision holds in New York senate.

Maryland House of Delegates.

2 representatives, each county with population of 18,000 or less; 3, 18,000-28,000; 4, 28,000-40,000; 5, 40,000-55,000; 6, 55,000+.

6 = maximum.

²In several instances (the house in both Maine and Maryland), this maximum provision supplements a diminishing ratio; in others it acts independently.

absorbed half the population of the state; until the constitution undergoes amendment its power in the senate must remain a constant.

Another form of limitation upon the power of the most populous communities arises from guaranteeing a certain minimum of representation to each political unit;¹ this may so narrow the disposable surplus as to make the approach to proportionality to population very remote. Thus in Rhode Island each town is allotted one representative; as the membership of the house is limited to seventy-two, this leaves but thirty-five to be apportioned according to population. In Connecticut the giving to each of the eight counties two senators out of the possible twenty-four cuts down the margin to a very narrow limit. Moreover, as no city may be divided in the forming of a senatorial district, it results that in a county containing a large city only one senator can be elected from the city, while three are chosen from the rural portion of the county. The obvious remedy would be to increase the number of senatorial districts, but the difficult process of constitutional amendment makes the defeat of any such proposition easy.²

What may be called the accidental or hereditary restraints are to be found in the provision which in many of the legislative bodies, as in the federal senate, grants precisely the same number of members to each local unit, however diverse in population. This form of equality grew naturally enough out of primitive conditions; as little townships were set off, or as miniature commonwealths federated, as in Connecticut and Rhode Island, equality seemed the natural solution. If

¹ Illustrations: The senate in Vermont, Connecticut, and Maryland; the house in New Jersey and Pennsylvania.

² A proposed amendment, having been passed by the house in one legislature, must be passed by a two-thirds majority in each house of the next legislature, and then submitted to the people at the polls.

Such a proposed amendment, passed by the house of 1893 by a vote of 158 : 2, and by the next house by a vote of 138 : 51, was defeated in the senate by a vote of 6 : 15. A similar measure is to come before the legislature at its next session, having been passed by a *viva voce* vote in the house of 1899.

diversities in population were considerable, still the type of community did not greatly vary. That the system worked well for a century and a half no one is disposed to deny. But "time makes ancient good uncouth." In the Rhode Island Senate each town is entitled to one member. As a result West Greenwich and Providence are equally mated; while five cities in the state contain $64\frac{1}{2}$ per cent of the population and 70 per cent of the assessed valuation of the state, they have a representation of only $13\frac{1}{2}$ per cent in the senate and $44\frac{1}{2}$ per cent in the house.¹ In Vermont and in Connecticut it is in the lower house that this peculiar brand of equality is to be found. It is of interest to compare these two states, because Vermont was in part settled from Connecticut, and her constitution was in some degree modeled after the charter of the older commonwealth, and also because the unforeseen changes which have rendered the system odious in Connecticut have had comparatively little effect in Vermont where population for the past decade has remained almost stationary and is comparatively homogeneous, and where the growth of large industrial cities has been unknown. Connecticut, on the other hand, has seen a rapid growth and also an astonishing redistribution of her population. Since 1818, repeated, though grudging, concessions have been made to the new order of things, with the result that the Connecticut Legislature of to-day represents as illogical and distorted an "equality" of representation as could well be imagined. That it is merely illogical, unsystematic, is the least of its faults;—square-cornered districts containing precisely the same number of voters are not the highest *desiderata*;—the worst is that in neither house is there any considerable degree of adaptability to changing conditions. All is fossilized. Thus the senate has ceased to be a popular body. In the house it is difficult to see what is

¹ For these statistics as well as for other interesting comments on representation in Rhode Island, I am indebted to Professor James Q. Dealey, of Brown University.

represented. It certainly is not population, for to-day more than half of the population of Connecticut live in cities of 15,000 and over, yet these elect less than one-tenth of the members in the so-called "popular" chamber. It is not wealth, for the bulk of the wealth, as well as the population, is already in the cities, and the tendency is more and more in that direction. It is not industrial interests, for Connecticut ranks as a manufacturing and commercial state,¹ yet these classes find but small recognition in the mass of country legislators, whose handiwork is to be recognized in much of the legislation in regard to business topics. Nor is it the town,—“the egg from which the state sprang,” as the apologists for the Connecticut system ecstatically call it; for, if the town is the basis, why do some towns, incorporated before 1818, still receive but one representative? Is the inadvertence or parsimony of the fathers to be accepted as the highest wisdom for all ages?² Why do new towns to-day receive but one representative? Why is a second accorded them when they reach the five thousand mark? Town representation in Connecticut veers away from principle enough to make the claim that the sanctity of existing town representation must be kept inviolate the veriest cant. Meantime the discrepancies are of the grossest and are yearly growing.³

Much might be said in favor of constitutional provisions

¹ In the census of 1890 Connecticut's record was as follows:

Total number of persons in gainful occupations	317,014
“ “ in agriculture, fishing, mining	48,676
“ “ “ trade and transportation	49,383
“ “ “ manufacturing and mechanical industries, 146,397	

Census of 1890, Statistics of Population, Table 79.

² *Supra* p. 69.

³ A dozen years ago there were sixty towns in Connecticut each having less than 300 electors. Casting less than 8 per cent of the vote of the state they elected more than 30 per cent of the members of the house. The significant fact is that during the decade, 1880-1890, of these sixty towns only ten increased in population, their aggregate gain being 933; of these ten the only town which elects two representatives is Pomfret, and its increase in population during the decade was from 1,470 to 1,471! The other towns, including fifteen with the right to elect two members, lost in the aggregate 7,945.

fixing a limit upon the power over legislation which might be exercised by the thronging millions of a great metropolis. New York has done this,—very likely, wisely. Something may be said in favor of limitation by a diminishing ratio; there are those who believe that corruption in politics has its home only in cities, and that such limitations on the representation of city populations do but give the greater scope for the regenerating influence of the country lawmaker. Those who have had close contact with legislative halls will be least likely to be dogmatic as to the precise abode of virtue.

It is sometimes asserted by apologists for the Connecticut situation, that “no argument against town representation in the Connecticut House has been advanced that cannot be urged with equal or greater force against equal representation of the states in the United States Senate.” There is this much of superficial likeness: in each instance two members are accorded to units having very unequal populations. Here, however, the analogy ends. In the first place, it does not hold in theory. Whatever they may have been two centuries ago, the towns are not now quasi-independent commonwealths.¹ Regarding property, education, the family, they make no general laws to which only their inhabitants are subject. They are noble agencies of local government, subject to the frankly acknowledged dominance of the state. In the second place, the analogy does not hold in experience. That there are certain evil features in our federal senatorial system is not to be denied, but careful study fails to show that the small states make common cause against the large, or *vice versa*;² the states of small population are widely distributed and are of diverse character and

¹ The Supreme Court of the state has given emphatic assertion to the principle that a single town is the creature of legislation, and has legally no reserved rights. *Webster v. Town of Harwington* (32 Conn. Reports, 131. Other decisions of similar import are there cited).

² This subject is thoroughly presented in an article by S. E. Moffett, in the *Political Science Quarterly*, July, 1895.

interests. On the contrary, in the Connecticut Legislature the representatives of the small towns have repeatedly passed laws which hampered the cities, and have shifted burdens upon the cities in such manner as to make the old cry "no taxation without representation" take on a new significance.

It has been noted that while such states as New York and Pennsylvania have been but indifferently represented in the federal senate, the smaller states have often—unfortunately not always—honored themselves by electing their ablest men senators and by keeping them in service term after term.¹ The working of town representation in Connecticut produces very different results. It offers small inducements to the best, and speedy retirement to all.

Patriotic men of all parties deplore the prevalence of corruption at the polls in New Hampshire and Connecticut, yet surely this is no independent phenomenon. When in the same election 101 votes in Union secure in the house exactly the same weight as 18,352 in New Haven, it is not surprising that parties are evenly divided in the small towns.² It is there that the real campaign is fought. Matter-of-fact rumor a few years ago declared that competition established fourteen dollars as the price of votes in one of the towns mentioned. There has been much agitation for change, yet so firm is the alliance between zealous partisanship and the small country towns, jealous of their ancestral representation, that the champions of reform dare advocate nothing so radical as the diminishing of any town's present quota. It is palliatives, new patches upon old garments that they urge, and these are promptly killed in the house by a *viva voce* vote.³

¹ Bryce, "The American Commonwealth," 1891, vol. I, p. 98.

² Election of representatives, in 1898.

³ Five years ago a bill was introduced by a New Haven member, providing that "each town of 15,000 shall be entitled to three representatives and another representative for each 5,000 additional population." This would have introduced some elasticity into the system. It would have raised New Haven's delegation from two to twenty, and would have made provision for the future expansion of cities.

Such facts as the foregoing would seem to show that even in the oldest and most conservative of our commonwealths the federal suffrage is conferred on very different terms; that the assemblies which elect federal senators differ widely in size, in personnel, and in the basis upon which they are elected; and that, although equal representation is the ideal set forth by the constitutions, there is utter disagreement as to what constitutes equality of representation, while in their attempt to realize it most of the states, by clinging to its letter, have sacrificed its spirit.

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But such a measure would make the legislative body bunglingly large, raising the membership immediately to 300, a decade or two would make the house more unwieldy than that of New Hampshire. Moreover, this bill did not touch one fundamental injustice; while it made the city ratio 1 : 5,000, it left to the ghosts of ancient towns so preposterous a ratio as 1 : 200.

It is needless to say that even so slight a modification of the present system received short shrift at the hands of a house controlled by the members from small towns. It was rejected by a *viva voce* vote.